

Subject: Resolution #732- Appointing
 City Hearing Examiner for
 Industrial Pre-Treatment
 Appeals

Dept. Origin: Sewer Utility
Prepared by: Jennifer Robertson
 City Attorney's Office
For Agenda of: August 17, 2021
Exhibits: Resolution #732

Proposed Council Action:

Pass Resolution #732.

Concurred by Mayor: _____ Initial & Date
Approved/form by City Atty: JSR/7-29-21
Approved by _____ Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

In January of 2015, the City Council created the Office of the Hearing Examiner by adoption of Ordinance #1450 which is codified as Chapter 1.20 of the Ruston Municipal Code. In accordance with RMC 1.20.020(A), the City Council is authorized to appoint the City Hearing Examiner. The City is not limited to one hearing examiner, but may appoint more than one hearing examiner to serve the needs of the City. See RMC 1.20.020.E.

On August 17, 2021, the Council is scheduled to have second reading and consider adoption of Ordinance No. 1550. Ordinance No. 1550 creates a new Chapter 21.04 to the Ruston Municipal Code regarding Industrial Pre-Treatment and also authorizes Ruston to enter into an Interlocal Agreement (ILA) with the City of Tacoma for industrial pre-treatment. This ILA provides that Tacoma will be the Control Authority in Ruston for industrial pre-treatment and therefore having the Tacoma Hearing Examiner's Office serve as the Ruston Hearing Examiner for pre-treatment appeal issues makes sense. This is also required under the Interlocal Agreement Section 5(F).

Assuming that the Council adopts Ordinance No. 1550, appointment of the Hearing Examiner for industrial pre-treatment appeals will be timely.

FISCAL CONSIDERATION

The costs of the Tacoma Hearing Examiner are included in the costs of the Interlocal Agreement which is attached to Ordinance No. 1550 as Exhibit B.

RECOMMENDATION / MOTION

Pass Resolution #732.

MOTION: I move to approve Resolution #732 Appointing the Tacoma Hearings Examiner Office to serve as the Ruston Hearing Examiner for all appeals filed under Chapter 21.04 RMC (Industrial Pre-Treatment).

RESOLUTION NO. 732

**A RESOLUTION OF THE CITY OF RUSTON,
WASHINGTON, APPOINTING THE TACOMA HEARINGS
EXAMINER OFFICE TO SERVE AS THE RUSTON
HEARING EXAMINER FOR ALL APPEALS FILED UNDER
CHAPTER 21.04 RMC (INDUSTRIAL PRE-TREATMENT).**

WHEREAS, in January 2015, the City Council created the Office of the Hearing Examiner by adoption of Ordinance #1450 which is codified as Chapter 1.20 of the Ruston Municipal Code; and

WHEREAS, in accordance with RMC 1.20.020(A), the City Council is authorized to appoint the City Hearing Examiner; and

WHEREAS, the City is authorized to appoint more than one hearing examiner to serve the City; and

WHEREAS, on August 17, 2021, by adoption of Ordinance No. 1550, the City Council adopted a new Chapter 21.04 to the Ruston Municipal Code regarding Industrial Pre-Treatment and also authorized Ruston to enter into an Interlocal Agreement with the City of Tacoma for industrial pre-treatment; and

WHEREAS, under Ordinance No. 1550, Tacoma will be the Control Authority in Ruston for pre-treatment and therefore having the Tacoma Hearing Examiner's Office serve as the Ruston Hearing Examiner for pre-treatment appeal issues makes sense and is required under the Interlocal Agreement Section 5(F); and

WHEREAS, the Council finds that it is in the City's best interests to appoint the Office of the Tacoma Hearing Examiner as the Ruston Hearing Examiner for appeals under Chapter 21.04 RMC; **NOW, THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY RESOLVES AS
FOLLOWS:**

Section 1. Appointment of Hearing Examiner. In accordance with RMC 1.20.020(A), the City Council hereby the Office of the Tacoma Hearing Examiner as the City's Hearing Examiner for all appeals regarding industrial pre-treatment in accordance with Chapter 21.04 of the Ruston Municipal Code.

PASSED by the City Council of the City of Ruston, signed by the Mayor and attested by the City Clerk in authentication of such passage on this 17th day of August, 2021.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: 732